

REMARKS

Claims 1-4 stand rejected under 35 U.S.C. § 103 as being unpatentable over the alleged admitted prior art shown in Figure 8 of Applicants' drawings. This rejection is respectfully traversed because Figure 8 of Applicants' drawings is NOT admitted prior art. It is respectfully submitted that the label "Prior Art" identified in Figure 8 of the U.S. application was an inadvertent typographical mistake when preparing the application for filing. Enclosed herein is a copy of Figure 8 as presented in the priority document for the present application, evidencing that Figure 8 was not intended to be labeled as prior art. Also enclosed is a corrected drawing which removes the label "Prior Art" from Figure 8.

Moreover, it is respectfully submitted that Applicants' specification clearly describes Figure 8 as a *comparative example* conceived by Applicants to evidence the merits of the present invention, rather than as admitted prior art. As described on page 11, lines 10-11, the Brief Description of the Drawings describes Figure 8 as a "first comparative example" (*see also* page 23, lines 2-4 of Applicants' specification). Indeed, the Background of the Invention on pages 1-3 of Applicants' specification does NOT reference Figure 8 as admitted prior art.

The Examiner is directed to MPEP § 2129(I) which states that "even if labeled as "prior art," the work of the same inventive entity may not be considered prior art against the claims ..." In the instant case, it is respectfully submitted that Applicants' specification makes clear that Figure 8 is the work of the same inventive entity, conceived as a comparative example to illustrate the improvements made possible by the present invention. This is further evidenced by the attached Figure 8 from the priority document for this application, which is not labeled as

prior art. In view of the foregoing, it is respectfully requested that the rejection under § 103 be withdrawn.

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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